

UTILITIES SERVICE BOARD MEETING
July 26, 2004

UTILITIES SERVICE BOARD MEETINGS ARE RECORDED ELECTRONICALLY OR STENOGRAPHICALLY AND ARE AVAILABLE DURING REGULAR BUSINESS HOURS IN THE OFFICE OF THE DIRECTOR OF UTILITIES.

Board President Swafford called the regular meeting of the Utilities Service Board to order at 5:00 p.m. The meeting was held in Conference Room 100B at the Indiana University Research Park at 501 North Morton Street in Bloomington, Indiana.

Board members present: Tom Swafford, Jeff Ehman, Sam Vaught, Dick Eherenman, Alisa Brown, Tim Henke and ex-officio member Tom Micuda. Staff members present: Patrick Murphy, Jane Fleig, Nathan Schulte, Steve Saulter, and Tom Staley. Also present: Bill Riggert representing Bledsoe Tapp & Riggert, John Jacobs representing Smallwood Plaza LLC, and Mark Menefee representing Indiana University Utilities Department.

MINUTES:

Board member Ehman requested that the following change be made in the minutes as presented: Page 4, paragraph under Staff Reports, second line add "in the CBU Rules and Regulations" after the words "to discuss changes." The requested change was made by the Board Secretary.

EHRENMAN MOVED AND EHMAN SECONDED THE MOTION TO APPROVE MINUTES FOR THE JULY 12, 2004, MEETING AS AMENDED. MOTION CARRIED. 6 AYES.

CLAIMS:

Board members were presented with the regular claims list along with lists for MBNA Charge Account Payment Date Account due – June 21, 2004, and Petty Cash for the month of June 2004. (A copy of each list is attached to the minutes.)

REGULAR CLAIMS:

VAUGHT MOVED AND EHMAN SECONDED THE MOTION TO APPROVE THE REGULAR CLAIMS AS FOLLOWS:

CLAIMS 0491242 THROUGH 0491318 INCLUDING \$270,437.55 FROM THE WATER OPERATIONS & MAINTENANCE FUND FOR A TOTAL OF \$270,437.55 FROM THE WATER UTILITY; CLAIMS 0430662 THROUGH 0430715 INCLUDING \$248,961.21 FROM THE WASTEWATER OPERATIONS & MAINTENANCE FUND AND \$50,247.63 FROM THE WASTEWATER CONSTRUCTION FUND FOR A TOTAL OF \$299,208.84 FROM THE WASTEWATER UTILITY; AND CLAIMS 0470061 THROUGH 0470065 INCLUDING

\$13,208.30 FROM THE WASTEWATER/STORMWATER FUND FOR A TOTAL OF \$13,208.30 FROM THE WASTEWATER/STORMWATER UTILITY. TOTAL REGULAR CLAIMS APPROVED – \$582,854.69. MOTION CARRIED. 6 AYES.

MBNA CHARGE ACCOUNT PAYMENT DATE ACCOUNT DUE – JUNE 21, 2004:

HENKE MOVED AND EHMAN SECONDED THE MOTION TO APPROVE THE MBNA CHARGE ACCOUNT PAYMENT DATE ACCOUNT DUE – JUNE 21, 2004, IN THE AMOUNT OF \$8,114.04. MOTION CARRIED. 6 AYES.

PETTY CASH FOR THE MONTH OF JUNE 2004:

HENKE MOVED AND EHMAN SECONDED THE MOTION TO APPROVE THE PETTY CASH FOR THE MONTH OF JUNE, 2004, IN THE AMOUNT OF \$4,406.07. MOTION CARRIED. 6 AYES.

FUNDING REQUESTS:

W04-2810 – Northcliff Avenue. Estimated cost - \$25,000.00.

Assistant Director Staley presented Board members with a Request for Approval of Funding (W08-2810) and a GIS drawing illustrating the location of the Northcliff Avenue area. (A copy of each document is attached to the minutes.)

EHRENMAN MOVED AND HENKE SECONDED THE MOTION TO APPROVE FUNDING REQUEST W04-2810. MOTION CARRIED. 6 AYES.

FINANCIAL UPDATE:

Assistant Director Saulter presented Board members with a spreadsheet containing a report on rent expenditures. (A copy of this document is attached to the minutes.) Assistant Director Saulter also presented Board members with a copy of a total budget overview for January through June 2004. (A copy of this document is also attached to the minutes.) Updates on the budget will be presented periodically to Board members so that the report can be complete.

REQUEST FOR WAIVER OF SEWER CONNECTION FEES FOR SMALLWOOD PLAZA:

Utilities Director Murphy presented Board members with documents concerning the request for waiver of sewer connection fees. (A copy of each document is attached to the minutes.) Mr. Murphy asked that this request be denied.

John Jacobs speaking on behalf of Smallwood Plaza LLC explained his reasoning for the request to have sewer connection fees waived. He believes that this development will bring benefits to the City of Bloomington in many ways and that the sewer connection fees are not warranted.

Bill Riggert of Bledsoe Tapp & Riggert also spoke on behalf of Smallwood Plaza LLC. Mr. Riggert presented Board members with documents that he believes proves there was an unwritten agreement between all parties to waive the sewer connection fees for this development. (A copy of each document is also attached to the minutes.)

Board member Ehman stated that he felt more time should be given to review all documents before a decision is made.

After further review and discussion, the Board members came to the conclusion that no written agreement was ever executed and that any such request should have been presented in a more timely fashion.

The following motion was presented:

EHRENMAN MOVED AND BROWN SECONDED THE MOTION TO ACCEPT THE UTILITIES DIRECTOR'S RECOMMENDATION TO DENY THE REQUEST FOR WAIVER OF SEWER CONNECTION FEES FOR SMALLWOOD PARK PLAZA. MOTION CARRIED. 5 AYES. 1 ABSTENTION (EHMAN).

OLD BUSINESS:

Patrick Murphy –

Utilities Director Murphy reported that the Utilities Department 2005 budget was presented last week to the City of Bloomington Common Council. The vote was 7-0-1. The final vote will be taken in September 2004.

Mr. Murphy also reported that Assistant City Attorney Renfrow has returned from vacation. Meetings will be scheduled to discuss changes in the CBU Rules and Regulations. A formal recommendation for changes will be brought to a future meeting for approval.

Mr. Murphy stated that Michael Pauly of Rolling Ridge does not believe that House Bill 1293 is not retroactive. Mr. Pauly would like to appeal this question before the Utilities Service Board members. Board President Swafford said that this matter had already been discussed, reviewed, and decided by the Board members. Mr. Pauly should be informed of this and advised to pay the bill immediately.

NEW BUSINESS:

No new business was presented.

SUBCOMMITTEE REPORTS:

Board President Swafford reported that the Administrative Subcommittee will meet on July 27, 2004, at 10:00 a.m. to discuss two customer requests.

STAFF REPORTS:

No staff reports were presented.

PETITIONS AND COMMUNICATIONS:

No petitions and communications were presented.

ADJOURNMENT:

The meeting was adjourned at 6:19 p.m.

L. Thomas Swafford, President